

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 5527 of 2007(G)

PETITIONER:

K. NIRMALAKUMARI, D.T.P. OPERATOR,
INFORMATION AND PUBLIC RELATIONS DEPARTMENT,
GOVT. SECRETARIAT, TRIVANDRUM.

BY ADV. SMT.S.KARTHIKA
SRI.M.S.UNNIKRISHNAN
SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SRI.T.R.RAJESH

RESPONDENTS:

1. STATE OF KERALA, REP. BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
INFORMATION AND PUBLIC RELATIONS DEPARTMENT,
GOVT. SECRETARIAT, TRIVANDRUM.
2. THE DIRECTOR, INFORMATION AND
PUBLIC RELATIONS DEPARTMENT,
GOVT. SECRETARIAT, TRIVANDRUM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 5527 OF 2007 G
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Dated this the 20th February, 2007

J U D G M E N T

The petitioner was engaged as D.T.P. Operator in the Information and Public Relations Department. Such engagement commenced with effect from 16-6-1996. It is admitted position that the post of D.T.P. Operator was not sanctioned, rather the petitioner was not working against a sanctioned post. The post was sanctioned only in 1998. The petitioner places reliance on paragraph 53 of the Constitution Bench decision of the Apex Court in ***Secretary, State of Karnataka v. Umadevi*** ***{(2006) 4 SCC 1}***. The Government have rejected the request of the petitioner for regularisation, as per Ext. P10. The main ground stated in Ext. P10 is that the petitioner does not have minimum 10 years of service in a sanctioned post.

2. A careful reading through paragraph 53 of the judgment of the Apex Court referred to above would clearly show that the direction was issued to the Union of India, the State Governments and their

instrumentalities to take steps to regularise as a one-time measure, the services of the irregularly appointed, who have worked for ten years or more in duly sanctioned posts. As far as the petitioner is concerned, the service of the petitioner in a sanctioned post commenced only in 1988. As on the date of the Supreme Court decision, the petitioner did not have 10 years service in a sanctioned post. That situation continues even now. Hence, the petitioner's case will not come strictly within the purview of paragraph 53 of the aforesaid judgment. In that view of the matter the impugned order of the Government cannot be said to be against the decision of the Supreme Court. The petitioner can put forward a claim only if her case comes within the four walls of the Supreme Court decision. Unfortunately for the petitioner, the factual position will not bring her case within the purview of Umadevi's case (supra). The writ petition is therefore dismissed.

K.K. DENESAN
JUDGE

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